



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of James Carroll,
Road Repair Supervisor (PC1679W),
Mercer County

CSC Docket No. 2019-1573

Examination Appeal

ISSUED: March 6, 2019 (RE)

James Carroll appeals the determination of the Division of Agency Services (Agency Services) which found that he was below the experience requirements for the promotional examination for Road Repair Supervisor (PC1679W), Mercer County.

The subject examination announcement was issued with a closing date of June 21, 2018 and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Road Repairer 3 OR in any competitive title and who met the announced requirements. These requirements were four years of experience in the construction, repair, and maintenance of roads or streets which may include work involving the installation and/or maintenance of traffic lines and signs, one year of which shall have been in a lead worker capacity. The appellant was found to be ineligible based on a lack of applicable experience. Two candidates were eligible, and the examination results are not yet available.

On his application, the appellant listed experience in five positions: Bridge Construction Worker, Road Inspector, Traffic Maintenance Worker, Truck Driver, and Heavy Laborer. The appellant was credited with at least four years of general experience, and was found to be lacking 1 year of lead worker experience.

On appeal, the appellant reiterates his positions and provides duties for each. However, he does not indicate lead worker experience. The appellant also

indicates that he was admitted to a prior examination for the subject title (PC0535S) in 2014.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides that except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

A review of the appellant's application reveals that he does not meet the announced requirements. For promotional examination purposes, experience is considered only if it is gained in a recognized type of appointment. Taking the lead is the distinguishing characteristic which is present in the definitions of titles. A leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. Being a lead worker involves mentoring others in work of the title series. Positions are classified as lead worker titles. Thus, if an individual performs lead worker duties when not in a position classified as a lead worker title, it is considered to be out-of-title work. The titles Bridge Construction Worker, Road Inspector, Traffic Maintenance Worker, Truck Driver, and Heavy Laborer are not lead worker titles. As such, any asserted lead worker experience in these titles would be considered out-of-title work, which cannot be used to satisfy eligibility requirements for a promotional examination. Even so, the appellant did not indicate that he performed lead worker duties while in these titles. The appellant lacks one year of applicable experience as a lead worker as of the closing date.

With regard to the appellant's argument that he was found eligible for a previous examination for the same title, the Commission notes that eligibility is determined on the basis of each discrete announcement. If the appellant does not meet the requirements for the current announcement, the fact that he was admitted in error to a prior examination for the same title does not provide him with an entitlement to eligibility in the instant matter. No vested or other rights are accorded by an administrative error. See *Cipriano v. Department of Civil Service*, 151 *N.J. Super.* 86 (App. Div. 1977); *O'Malley v. Department of Energy*, 109 *N.J.* 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 *N.J. Super.* 538 (App. Div. 1998).

An independent review of all material presented indicates that the decision of Agency Services, that the appellant did not meet the announced requirements for eligibility by the closing date, is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6^h DAY OF MARCH, 2019



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